

From: Hst. Molina
P.O. Box 612
Doughriga Town
Stann Creek
Belize C.A.



To: Rev. Joseph Henrie E. Robertson,
M.T.T. - Matricach of the Mis'kiton Nation
Attention: PO HRH WEzell Klerinawaffandy Tawka
1547 Jackson St. #301 - Oakland, CA 94612 - USA.

THE COUNCIL OF ELDERS OF THE MOSKITIA NATION COMMUNITY

Provisional Office connecting the Council of Elders, in front of the Indian Statue. Fast Food next to the Ciber Barrio Libertad Highway, (Libertad Area Highway). Puerto Cabezas
Tel. 80016169; 85154530; email address: moskitia@puebloindio.org
internet: <http://www.puebloindio.org/moskitia>

Council of Elders from the Moskitia Nation Community

Historical Reunion of the Native People of the Moskitia Nation Community for their Free Determination

ANTECEDENT

Since 1821 when some of the Central American countries proclaimed their independence and were officially recognized as the decolonization on the part of the Spanish Crown in the decades of 1850, the Nation or the Coast of the Moskitia was on the sidelines of all this processes, not being part of them.

The Nation of Moskitia, is born as a Kingdom in 1832 through an alliance of the Anglo/Miskitia, becoming a bastion of resistance to the Spanish colonization without being conquered, colonized and occupied in any of its territory.

In 1840 a protectorate is created and as such Treaties, conventions, Agreements are being developed and having actual validity in view of International Rights and of Human Rights.

18 Kings are recognized during the course of its history, with Governors and chiefs who at the length of 240 years governed with sovereignty and independence, having their own laws, monies, army and their own jurisdiction; they also had their own historical background and territory, recognized and marked out by boundary stones. Today, these stones are considered illegal and, this territory is now illegally divided between Columbia, Honduras, Nicaragua and Costa Rica in opposition to the International Treaties of Rights.

Many of the Kings were crowned in Belize and Jamaica, as being a part of the English Jurisdiction having a rich and traditional economic, political and commercial relationship with the Moskitia, developing between them, a geopolitical region of great historical importance in that era.

Of all the treaties and Conventions signed, the arbitral award or document was that of the Emperor of Austria, 1881; the Convention of the Moskitia of 1894 annexed the Moskitia territories to Nicaragua forcibly; and the treaty signed by Princess Agnes Frederick with the State of Nicaragua gives them the right to pass through the Moskitia Territory to the Atlantic

Ocean. The State of Nicaragua holds a valid and recognized right that needs to be restrained and submitted to the jurisdiction of the International Courts for its application.

TODAYS REALITY

After the 22 Indigenous communities were convened by the Council of Elders, they dissolved the links between the forced annexation of the Convention of the Moskitia. The Nation Community of the Moskitia then acquired their right to be a nation in a juristic and political plan of equality with the state of Nicaragua and other States of the World under the general principle of Rights that everything is dissolved as it is made and that the principle of the Pact Sum Servando, that all parties signing the treaties have the obligation to fulfill.

At the same time an appeal was presented at the beginning of this era to the Constitutional body of the State of Nicaragua for the recognition of the Convention and the Agreement but up to this date no resolution has been made.

An appeal was filed with the interpretation of the Agreement and the Convention in the Central American Court of Justice who declared himself incompetent to recognize the issue.

The Council of Elders met with the actual President of Nicaragua, the Commandant Daniel Ortega Saavedra to try find a solution to the grave crisis that the Indigenous People, the English speaking people and the Afro descendants are facing. It was proposed to implement a new treaty, nevertheless, after six months in which the process took place no solutions were reached.

Due to this situation the Council of the Elders convened a Great and Maximum Assembly, which is the Organ of Power of the 19th April 2009; they reinstated the Government of the Moskitia, being led by WhihtaTara and his Cabinet. In response to this, the Government of Nicaragua sent his anti-riot squad in which the Elder Warman Men died due to the tear gases which had never been experienced before in the history of the Moskitia; and where more than 50 were detained due to exercising their right to manifest for their self determination.

INSTITUTIONAL AND JURISDICTIONAL FRAMEWORK

The Nation Community of la Moskitia is living a period of transition, on one side the State of Nicaragua submitted to the International Court of Justice a Lawsuit for the marine platform of the Caribbean Sea, having a favorable ruling from Columbia, but this ruling violates the historical rights of the arbitrary agreement of the Emperor of Austria that recognizes on Article 1 . **that the sovereign Government of the Republic of Nicaragua, recognized in the Art. 1 & 11 of the treaty of Managua of the 28 January 1860, it is not full and unlimited with regards to**

the territory assigned to the Moskitia but rather limited for the autonomy (self government) recognized to the Meskito Indians and others. Article V recognizes that the Government of Nicaragua has no right to give concessions of the Moskitias territories natural resources. This Right corresponds only to the Moskitia Government. At the same time the Convention of the Moskitia of 1894 only recognized the right to collect revenues. From that time on the Nicaraguan State has violated systematically this treaty in misappropriating all the revenues, rents and maintaining the Army and Police as an occupational force is in clear violation to the historical rights and human rights of the Moskito Indians.

Actually the said autonomy was a result of the political and military fights of the Indigenous People and Afro Descendants of the years of 1980's was promoting to stop the war but it did not recognize the Natural and Historical Rights involved. The Right to their own Government body was not recognized neither their right to their own revenues as pointed out by the Convention of 1894. Inhumane poverty is being lived and the situation is graver as the 'Free Commerce trade' cannot be exercised as recognized by the treaties; the fish market has been seized as well as the wood and all basic resources that God has given to man and woman.

The promotion of new people coming in is encouraged. They are coming from Nicaragua being promoted by the same Central Government; by Party Politicians, and by the same autonomous Government. An ethnic suicide is being committed pretending to mix our race through a State Policy; the Water basins, the biodiversity, which are also recognized in different International conventions on the protection of the Environment are also violated by the same State.

The different parties that come from Managua divide our People, they are lied too and they are getting deeper into poverty. An Apartheid policy is being applied, violating the Treaties of the Moskitias; the Declaration of the United Nations on the Rights of the Indigenous Peoples, and the agreement of the 169 of the ILO Convention that has been ratified by the State. A Constitutional Reform has been implemented by the Dictatorship of Ortega which is like a straitjacket orientated to crush any Institutional and military claims of the historic rights of the Indigenous and Caribbean Peoples.

The biggest concessions of the Natural resources of the Moskitia; the interoceanic canal, the Hydroelectric Project of Tumarin conceded to a Brazilian Company; the petroleum concession in the Caribbean Sea, the mineral concession of Gold and silver being the biggest in Central America and of the World, the Forestry concessions to the Venezuelan Alba Forestry Company, and the sea products to Russian and Chinese Companies; and all have been made in the framework of the Law without proper consultations. It has violated the International Principle of the Previous Free and Informed Consent of the Treaties.

OBJECTIVITY AND RESULTS

To carry out a consultation meeting to revise the concessions that were given illegally; to discuss the proposed international demand to the State of Nicaragua; The implementation of a Referendum with the participation of the International Community and Human Rights Organizations.

- There is an agreed Agenda by the different Indigenous and Afro descendant peoples that orients the actions of the governing body, for above a national coordinating table or body will be created to meet and discuss above.
- Discussions has taken place of the different areas of the claims made by the indigenous and afro descendant peoples that orients the actions of the governing body with an ample representation, and will present the demands before the corresponding International Organizations.
- Information and a proposed economic proposal for the companies who are after concessions within the margins of the treaties; they have been presented with an alternative of a shared social economy.
- The principles and norms of the celebration of a referendum has been approved with an invitation to the International Communities of the United Nations and the organizations specialized being crucial the theme that is, if it is convenient or not sustaining the ties with the State of Nicaragua.

Coordinating Mechanisms and Methodology

Through out their recent history, the Council of Elders have realized their biggest Assembly with a major participation In the Mesquita Nation. The last one was the third convention where Wihta Tara and his Gabinete were elected for Government on the 18th April of the year two thousand nine with a participation of four hundred communities and 800 delegates. Seeing the importance and transcendental of this event people invited will be delegates with a territorial or etnic vision, being of inclusive and propositive characteristics. Invited will be fifty delegates of the Sumus Mayagnas of the three territorial nucleos with more representatives. Fifteen delegates will be invited from the rice areas of San Andres Providencia and Santa Catalina who actually are in a limbo state between Columbia, Nicaragua and the Moskitia Nationa territory. Twenty delegates from the branches who demand to be heard in this legal project of the Inter oceanic Canal. From the Honduran Moskitia side convened will be thirty representatives with origins from the Moskitus and Payas. The rest of the delegates will be Muskitus from different areas, the autonomous region of the North Atlantic (RAAN) and of the autonomous region of the South Atlantic (RAAS). Thirty Delegates divided into Afrodescendants, Garifuna and Creoles (RAAS). These Delegates will have a voice and vote at the time of the debates and solutions that are marked within the Precepts and Principal Norms .

Contemplated are three phases of this process.
11. Deliberative phase 111. Follow up phase.

1. Organizational phase



1. Organizational Phase,

Phase 1 The organizational phase is framed under the principle of free, prior and informed consent. A pro concerted Commission will be created integrated by the Council of Elders and voluntary organizations that with a democratic vision will organize the event. Previous experiences in this kind of events will serve as an input for the success of same. Twenty community promoters will be organized to visit communities introducing the agenda for discussion and also the selection of the delegates to the community assemblies. This process will be accompanied by radio and television vignettes (coverage).

Phase 11 Celebration or implementation of the event

The methodology contemplates the presentation of delegates, discussion and approval of the agenda, the election of the coordinating body who will be directing the process and also the special rapporteurs. There will be expositions by the experts on different Issues, then discussions by themes by different working groups in plenary the different discussions will be presented, debated and amplified with recommendations for final resolutions that will be taken, assuring that consensus and voting is done only as a last resort. There will be a Protocol team, an experienced personnel to meet the delegates and special guests who will have special agendas of participation and training; there will be a commission for the preparation and cultural presentations, in which the artists, dancers and singers will delight participants for the inauguration and closing of the event.

It is foreseen that the keynote presentations and discussions that are more relevant will be transmitted by radio and television; Hired to assist for the event will be indigenous professionals, a lawyer, a sociologist, a journalist, a methodological person for the four months in which the process of coordinating will take place so that we have the technical assurance and methodology of the event with the relevant document which will cover the bases of the event.

Phase 111 Follow up

This phase has an educative and organizational character. The resolutions and the contents of what took place in the Assembly will be written, edited carefully, so that each community has their own copy of the document that will serve them as a guide. The delegates participating are the voice of all the inputs coming in, and the ones who will produce and multiply the results. In this phase each community, in accordance with their criteria will form commissions to give support to the process in general in accordance to the Agenda discussed and approved. Three radio programs will be implemented on the territory with the most representation, they

will divulge permanently and systematically the information and follow up of the actions that should be taking place.

The Coordination body will be integrated by the Council of Elders with the help of Non Government Organizations who are committed to the Indigenous cause. Basic norms or rules will be created for the Coordinating body which will define responsibilities and rights of its members. Universities in the region will be invited to participate to give support to the methodology and technicality of this process. It would be of much interest to gather and document the discussions of the delegates; for this we should have tape recorders to catch the memoirs of this event with special interviews done to some participants of the event.

The final reporting, be it technical and financial will be under the responsibility of the Executive team of the Council of Elders through their Foundation KUPIA KRAKRAUKRA ALMUKA NANI (Council of Elders) who have personnel well qualified and established, registered under the Numbers of 3555, folio 5441 5446, Tomo 111, 9th Book of the Registry from the Government Ministry of Nicaragua. The Foundation has complied with all the requisites that the law establishes, the General Law over Juridical people without profit. The document from the Government Ministry supporting this information states: The entity here stated, enjoys full capacity to exercise his rights and to acquire obligations in accordance to their mission and objectives. Published in the Oficial Daily Gazette No. 102 of the 29th March 1992. The Foundation counts with Saving Accounts in the Bank, Banco de la Produccion (BANPRO), counts in dolares No. 10020315014586; counts in Cordoba 10022705987420.

BUDGET

Contemplated is the food, transportation, accomodations for five days in Bilwi, for 800 leaders of the Communites of the Sumus, Ramas, Miskitus, Garifunas, Creoles, from both sides, the Honduran side of the Moskitia, San Andres and Providencia. Invited will also be a population of people from the coast lines of Belize, Costa Rica and the United States and five experts in International Human Rights located in Spain, Canada; also three people from the International Indigenous movement.

BUDGET IS US\$ 375,891.99

| Discription | Arrival date | Unit Cost | Total Costing | Observations |
|---|---|------------------------------------|------------------------|--|
| Coordination and organization team, 20 community promoters. Four months work, Accomodations | Bilwi January to April 2015 April | Monthly US\$ 5,500.00 12,600.00 | 22,000.00 88,000.00 | Visits to 400 communities to prepare delegates and the working Agenda. |

| | | | | |
|--|-------|---|-----------|--|
| for 5 days @ US\$ 22.00 per day Food UD\$ 12.00 per day x person | April | 9,600.00 | 48,000.00 | |
| Transportation 1.National by Road .732 Delegates @ USD 50.00 each one 11. 5 plane tickets, international (experts) 111.National airlines 53; 1V . Other raizales — | April | 1. 36,600.00 11. 6,500.00 111. 950.00 1V. 7,500.00 | 58,550.00 | |
| Materials, didactics and the elaboration of documents for discussion USD 15.00 x person | | | 12,000.00 | |
| Administrative Costs... Tape recorder, data show, cameras, videos, sound system, computer sets | | | 9,570.00 | |
| Preparation time of 4 months and follow up for 3 months, radio and television. | | | 18,791.00 | |
| Stipends for four professionals for 4 months @ 1,000,00 each. | | | 16,000.00 | |
| Snacks 4,000 @ 3.00 | | | 12,000.00 | |
| Food costs for delegates and rooms, to go and come to their communities 70.00 each | | | 5,600.00 | |

| | | | | |
|---|--|--|-----------------------|--|
| Coordinating Costs with other Companies or groups for the application of resources, travelling, telephones etc. | | | 17,000.00 | |
| International relations to celebrate the referendum and the coordination with communities | | | 27,000.00 | |
| Organizing and function of the National Indigenous Table | | | 25,000.00 | |
| Preparation of the International Demands | | | 16,380.99 | |
| Total Sum | | | USD 375,891,99 | |

ANNEXES

1. Declaration of the Restoration of the Government of the Moskitia Nation, 19th April 2009
2. Supreme Precepts and Norms of the Moskitia Nations Community.
3. The Arbitral Agreement of the Emperor of Austria of 1881
4. Convention of the Moskitia of 1894.
5. Resolution of the Central American Court of Justice.
6. Proposal of the Council of Elders before the Constitutional Reform.
7. Note of Protest before Daniel Ortega.
8. Note to the Protocol Group
9. Letter to Daniel Ortega and Rosario Murillo with copy to the International Court of Justice of the Hague.